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2005

# State of Utah v. Steven V. Perry : Brief of Appellant

Utah Court of Appeals

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Steven Vincent Perry.

Amy Hugie; First District Judicial Court .

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State of Utah )  
 )  
First District Judicial Court )  
 )  
Plaintiff and Appellee, )  
 )  
v. )  
 )  
Steven V. Perry )  
 )  
Defendant and Appellant. )

Case No. 051100234

In the Utah Court of Appeals, case number 20060039,  
Brief of the Appellant for Appeal from the First District  
Judicial Court, Box Elder County, Judge Ben Hadfield.

Steven Vincent Perry

Amy Hugie  
First District Judicial Court

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## Table of Authorities

State of Utah

Case No. 051100234

First District Judicial Court

v.

Steven V. Perry

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)  
)  
)  
)

## Jurisdiction of the Appellate Court

This court has jurisdiction pursuant to Utah Code

Ann. §78-2-2(3)( ).

## Statement of Issues

The issue brought before this court is the final order of the trial court:

First District Judicial Court, Box Elder County, Judge Ben Hadfield

## Statement of the Case

The case brought before this court of appeals is a misdemeanor criminal case that was held in the First District Court, Box Elder County, Judge Ben Hadfield.

Sentencing after a guilty plea was entered by the defendant was held on December 20, 2005 in the First District Judicial Court, Box Elder County, by the Honorable Judge Ben Hadfield.

Defendant, Steven Vincent Perry, was sentenced on December 20, 2005 to: one year in Box Elder County Jail, and fined one thousand eight hundred and fifty dollars.

## Relevant Facts

Defendant, Steven Vincent Perry, was served a Civil Stalking Injunction in May of 2005, by his ex-girlfriend, Sheri Boyd.

Weber County Sheriff hand delivered said order.

Defendant violated Civil Stalking Injunction on June 23, 2005 by calling Sheri Boyd at Autoliv in Brigham City, Utah.



## Summary

Steven Vincent Perry was served with a Civil Stalking Injunction in May of 2005, making it illegal for Steven V. Perry to have any contact with Sheri Boyd.

Steven Vincent Perry violated said Injunction by contacting Sheri Boyd over the phone on June 23<sup>rd</sup>, 2005.

Steven Vincent Perry plead guilty, and was sentenced for violation of Civil Stalking Injunction to: one year Box Elder County Jail, and fined one thousand eight hundred fifty dollars.

## Conclusion

I, Steven Vincent Perry, wish to appeal the final order given in the Honorable Judge Ben Hadfields court room, First District Judicial Court, Brigham City, Utah.

This case arises from a Civil Stalking Injunction filed by Sheri Boyd. Sheri and I started talking about a month after the Injunction was filed, and continued to speak for about three weeks after that. On June 23<sup>rd</sup>, 2005, Sheri Boyd reported to the police that I contacted her, after I had called her and argued with her. I have not had any contact with Sheri Boyd since then, and do not wish to have any contact with her.

I seek relief in the form of a lighter sentence. I feel that the maximum sentence is unjust and unfair, considering the circumstances. My past record is not one I am proud of, but I have nothing in my past that says that I have a problem with this sort of thing happening again. I violated twice and I have learned my lesson.

A shorter sentence would allow me to finish my college education, which, I feel is very important to my future success. It would also allow me to obtain employment and go through any therapy that the court may wish to impose.

Thank you for your time and consideration.

By: Steven Vincent Perry

Dated: 3/22/2006



FIRST DISTRICT - Box Elder COURT  
BOX ELDER COUNTY, STATE OF UTAH

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STATE OF UTAH,	:	MINUTES
Plaintiff,	:	SENTENCE, JUDGMENT, COMMITMENT
	:	
vs.	:	Case No: 051100234 MO
	:	
STEVEN VINCENT PERRY,	:	Judge: BEN HADFIELD
Defendant.	:	Date: December 20, 2005

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PRESENT

Clerk: shaunaw

Prosecutor: RASMUSSEN, BENJAMIN C

Defendant

Defendant's Attorney(s): ALLEN, BERNARD L

DEFENDANT INFORMATION

Date of birth: March 30, 1975

Audio

Tape Count: 9:04 9:56 AM

CHARGES

1. STALKING - Class A Misdemeanor

Plea: Guilty - Disposition: 11/07/2005 Guilty

SENTENCE JAIL

Based on the defendant's conviction of STALKING a Class A Misdemeanor, the defendant is sentenced to a term of 1 year(s)

SENTENCE JAIL SERVICE NOTE

AFTER 6 MONTHS IF THE DEFENDANT'S BEHAVIOR AT THE JAIL IS SUCH THAT THE SHERIFF WOULD QUALIFY HIM, WORK RELEASE IS AUTHORIZED. GOOD TIME MAY BE GIVEN AT THE DISCRETION OF THE SHERIFF.

Case No: 051100234  
Date: Dec 20, 2005

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SENTENCE FINE

Charge # 1            Fine: \$1875.00  
                      Suspended: \$0.00  
                      Surcharge: \$875.00  
                      Due: \$1875.00  
  
                      Total Fine: \$1875.00  
                      Total Suspended: \$0  
                      Total Surcharge: \$875.00  
                      Total Principal Due: \$1875.00  
                                  Plus Interest

SENTENCE FINE SUSPENDED NOTE

DEF MAY RECEIVE CREDIT TOWARD THE FINE FOR OUT OF POCKET COSTS OF  
COUNSELING  
Pay fine to The Court.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

BEN HADFIELD  
District Court Judge

Amy F. Hugie, 8207  
Box Elder County Attorney  
01 South Main  
Brigham City, Utah 84302  
Telephone: (435) 734-3329  
Fax: (435) 734-3374

JUDICIAL DISTRICT COURT  
2005 JAN 10 PM 1:34

**IN THE FIRST JUDICIAL DISTRICT COURT  
BOX ELDER COUNTY, STATE OF UTAH**

<p>STATE OF UTAH,  Plaintiff,  vs.  STEVEN VINCENT PERRY,  Defendant.</p>	<p><b>JUDGEMENT AND ORDER ON JAIL SENTENCE</b>  Court Case #: 051100234  Judge: Ben H. Hadfield</p>
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THE ABOVE ENTITLED matter came on regularly for hearing on December 6, 2005, before the Honorable Ben H. Hadfield. The Defendant appeared personally together with his counsel of record, Bernard Allen, Esq. The State was represented by a member of the Box Elder County Attorney's Office.

There being no legal reasons why sentence should not be imposed, it is the judgment of the Court that the Defendant is hereby convicted of the following crime(s):

1: VIOLATION OF STALKING INJUNCTION, in violation of Utah Code Ann. § 76-5-106.5,  
a class A misdemeanor.

based upon his/her guilty plea.

Based upon said Judgment of Conviction, the Court hereby sentences the Defendant to a term of incarceration of one year in the Box Elder County Jail. Defendant may have work release after 6 months and good time at the Sheriff's discretion. Additionally, the Defendant shall pay a fine of \$1850 plus a \$25 court security fee, with

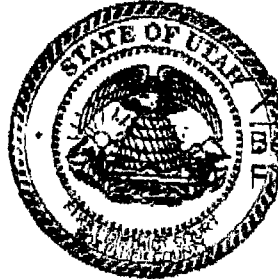
1-10-06  
22

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credit for out of pocket counseling expenses.

The Court retains jurisdiction for further action in this matter.

DATED this 10 day of Jan., 2006.



Ben H. Hadfield  
Ben H. Hadfield  
First District Court Judge

**CERTIFICATE OF MAILING**

I hereby certify that on this 9<sup>th</sup> day of Jan, 2006, I mailed, postage paid  
a true and correct copy of this document to:

Public Defenders Association  
2550 Washington Blvd. #300  
Ogden, UT 84401

Shelly Stephens  
Legal Secretary



## Certificate of Service

I, Steven Vincent Perry, certify that on 3-22-06 I served a copy of the attached Appellant Brief upon Amy Hugie, the counsel for the First District Judicial Court, Box Elder County in this matter, by mailing it to her by first class mail with sufficient postage prepaid to the following address:

Amy Hugie  
First District Judicial Court  
43 North Main  
Brigham City, Ut. 84302

By: Steven Perry Date: 3-22-06  
Steven V. Perry